IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND SEVEN

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**WRIT PETITION No.26374 OF 1997**

Between:

P.Sri Hari Rao.

**..... PETITIONER**

AND

The Executive Engineer,
Andhra Pradesh Housing Board,
Tadepalligudem,
West Godavari District,
And others.

**....RESPONDENTS**

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**WRIT PETITION No.26374 OF 1997**

**O R D E R**

**This writ petition is filed with a prayer as follows:**

> **" … Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or direction declaring the action of the Respondents in fixing the cost price of the Middle Income Group House No.64 allotted to the Petitioner at Rs.1,40,000/- and fixing the quarterly installments at Rs.44,956/- as arbitrary, illegal and consequently quash the proceedings of the 1st Respondent dated 11-5-1997 and to pass such other …"**

**The petitioner is an allottee of house constructed by the respondents under the category of Middle Income Group (MIG). He was allotted a house bearing No.64 in the A.P. Housing Board Colony at Ramachandrapuram, East Godavari District. It may not be necessary to go into the complete factual details of the case except stating that as usual the respondents did not complete construction of the houses as initially proposed by them and the construction was delayed for a long time. Obviously, the cost of construction had gone up due to such delay. Therefore, the respondents demanded amounts higher than what were initially proposed at the time of allotment, resulting in a lot of litigation. Number of allottees similarly situated as that of the petitioner had earlier approached this Court by way of filing Writ Petition Nos.7579 of 1996 and 9285 of 2000 and this Court disposed of the writ petitions on 12.11.2002 and 31.03.2004 respectively directing the respondents as follows:**

> **"In view of the above circumstances, I think it would**

**suffice if a direction is issued to the respondents to inform the petitioners about the estimated cost as early as possible. As the petitioners have already filed their objections and representations, the respondents are directed to consider the objections and dispose of the said representations if not already disposed of within a period of 3 months from the date of receipt of a copy of this Court.**

**However, as it is stated that the final cost of the houses was also fixed and registration process is also started, I dispose of the writ petition directing the respondents not to levy any penal interest on the instalments due from the petitioners."**

**In the circumstances, the writ petition is allowed and the order of the first respondent dated 11.05.1997 is set aside. The respondents are directed to consider the case of the petitioner in the light of the decisions of this Court, referred to above. There shall be no order as to costs.**

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**JUSTICE J.CHELAMESWAR**

**28th MARCH, 2007**
**PGS**

**THE HON'BLE MR JUSTICE**
**J.CHELAMESWAR**

**WRIT PETITION No.26374 OF 1997**

**28th MARCH, 2007**